

Civil Rights

School Meals Program Requirements Training
Office of School Support
October, 2014

The FNS website for civil rights

<http://www.fns.usda.gov/cr/justice.htm>

The FNS website for civil rights provides information about civil rights regulations:

The non-political rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and Acts of Congress

- 1964: Title VI prohibits discrimination based on race, color, or national origin.
- 1972: Title IX prohibits discrimination based on sex.
- 1973: Americans with Disabilities Act Title II which prohibits discrimination on the basis of disability.
- 1975: Title IX amendments to 1972 act to include section 504 prohibiting discrimination based on disability.
- 1975: Age Discrimination Act which prohibits discrimination based on age.

FNS Instruction 113-1

Food and Nutrition Service (FNS) Instruction 113-1 Civil Rights Compliance and Enforcement

Civil Rights FNS Instruction 113-1 provides more detailed guidance for civil rights regulations in the specific FNS program appendices.

Protected Categories for School Nutrition Programs:

- ✓ *Race*
- ✓ *Color*
- ✓ *National Origin*
- ✓ *Sex*
- ✓ *Disability*
- ✓ *Age*



Civil Rights Compliance Goals

- Equal treatment for all applicants and beneficiaries under the law
- Knowledge of rights & responsibilities
- Elimination of illegal barriers that prevent or deter people from receiving benefits
- Dignity and respect for all



Types of Discrimination

- Disparate Treatment
- Disparate Impact
- Reprisal/Retaliation



Discrimination: 4 D's



....When an individual or group of individuals are:

- ☐ Delayed receiving benefits or services that others receive
- ☐ Denied benefits or services that others receive
- ☐ Treated Differently than others to their disadvantage
- ☐ Given Disparate treatment something which does not seem discriminatory, but has a discriminatory impact in practice

Civil Rights Training

- The SFA is required to provide civil rights training annually. This is for all staff that interact with program applicants or participants (i.e. cafeteria staff, F/R application approval staff) and their supervisors.

Provide the dates of training

- Who attended these trainings?

Provide attendance/sign in sheet

- What topics were covered by the training?

Provide supporting documentation such as agenda/outline for training .

Civil Rights Training for Staff

Documentation for civil rights training must show the following subjects were covered:

- *Collection and Use of Data*
- *Effective Public Notification Systems*
- *Complaint Procedures*
- *Compliance Review Techniques*
- *Resolution of Noncompliance*
- *Requirements for Reasonable Accommodations of persons with disabilities*
- *Requirements for Language Assistance*
- *Conflict Resolution*
- *Customer Service*

Resources for Civil Rights Training
www.michigan.gov/schoolnutrition



Training

- SNAM Pre-Conference Education Session - October 23-26, 2014
- School Meals Overview Training Materials
- Second Annual School Nutrition Programs June Conference "Apples and Spinach and Regulations, Oh My!"
- School Meals Program Requirements Training Manual with Videos (2013)
- 6 Cent Certification 


Collection and Use of Data

- Maintain on file the estimated number of potential eligible beneficiaries by ethnic/racial category for the area served by the provider/district
- Outreach efforts can be targeted
- Collect and maintain the ethnic/racial category of each beneficiary annually
- In general, any data collected about beneficiaries should be kept secure and confidential
- Maintain all records for three years

Na Na Na Na Hey Hey Hey Goodbye

COORDINATED REVIEW – NATIONAL SCHOOL LUNCH PROGRAM

DO NOT MAIL THIS FORM



POST AWARD CIVIL RIGHTS COMPLIANCE REVIEW

Agreement #	SFA	Name of Building(s) Selected for Review:			
		1)	2)	3)	4)

Part I: RACIAL-ETHNIC DATA (Complete this section for the entire school organization.)

	RACIAL IDENTITY						ETHNIC IDENTITY		
	American Indian or Alaskan Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White	Total ^{1a}	Hispanic or Latino	Not Hispanic or Latino	Total ^{1b}
# of Free Students (Approved):									
# of Reduced Students (Approved):									
# of Self (Food Service Only):									

*Each approved free or reduced student and food service staff must be counted for both Racial Identity and Ethnic Identity. The numbers listed in the Total¹ Column must be the same as the Total² Column.

DENIED APPLICATIONS (Based on Verification) *Are they disproportionately composed of minorities?* ☒ YES ☐ NO

	RACIAL IDENTITY						ETHNIC IDENTITY		
	American Indian or Alaskan Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White	Total ^{1a}	Hispanic or Latino	Not Hispanic or Latino	Total ^{1b}
# of Free Students (Denied):									
# of Reduced Students (Denied):									

*Each denied free or reduced student must be counted for both Racial Identity and for Ethnic Identity. The numbers listed in the Total¹ Column must be the same as the Total² Column.

Part II: CHECK APPLICABLE BOX

A. School/Institution has sent out a public release for free and reduced price meals to the parents/guardians and community/local minority and grass roots organization.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
B. School/Institution has a procedure in place to inform the constituents of all aspects of the program (availability, benefits, etc.).	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
C. Program materials include the non-discrimination statement.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
D. Materials provide the provision that discrimination complaints may be filed directly with the Secretary of Agriculture.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
E. A USDA non-discrimination poster is displayed in a prominent place accessible to the students in each school.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
F. School/Institution completes an annual review of all buildings to ensure Civil Rights compliance.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
G. School/Institution provides training to new/current employees to ensure competency in civil rights compliance.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
H. School/Institution provides bilingual personnel/materials if necessary.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
I. School/Institution admission procedures do not restrict enrollment by race, color, national origin, sex, age or disability.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
J. School/Institution has an established procedure to accept complaints or grievances that are based upon race, color, national origin, sex, age or disability.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
J-1. Have there been any complaints?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
J-2. If yes, how many? _____ "No" answer does NOT require explanation for # J-1.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
J-3. Reported to the state agency?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A

PART III: EXPLAIN ALL "NO" OR "N/A" ANSWERS (Attach a separate sheet to this form.)

PART IV: CERTIFICATION

I certify _____ (Name of School District / State School/Institution) will take any kind of action necessary to be in full civil rights compliance with Title VI of the Civil Rights Act of 1964 - nondiscrimination based on race, color, national origin; Age Discrimination Act of 1975 - nondiscrimination based on age; Title IX of the Education Amendments of 1972 - nondiscrimination based on sex; Section 504 of the Rehabilitation Act of 1973 - nondiscrimination based on disability.

DATE: _____ SIGNATURE (Superintendent/Principal/Administrator): _____

PART V: CORRECTIVE ACTION REQUIRED? ☒ YES ☐ NO

If "Yes", was corrective action explained to SFA? ☒ YES ☐ NO ☐ N/A

INSPECTION DATE: _____ SIGNATURE (State Representative): _____

Rev 12/05

Data Collection and Reporting

- The SFA must have a means of collecting the racial and ethnic data.
- Keep records of the documentation
- Record how often this data is collected

How is the racial identity and ethnic identity data computed?

The racial identity and ethnic identity data can be computed from:

- actual information
 - visual observation
 - applying a percentage from the 4th Friday count to the free and reduced applicants
- or
- a combination of two or more of these methods.

Pre-Award Civil Rights Compliance

- ☐ Race and ethnicity enrollment are actual numbers ***not percentages.***
- ☐ The total Race Enrollment ***does not*** have to equal the total Ethnic Enrollment.
- ☐ ***Students may declare more than one race***

If Students and/or staff identify as more than one race then the race enrollment will be greater than the ethnicity enrollment

Racial and Ethnic Categories are two separate questions

- **Ethnicity : Choose one or the other**
 - ✓ Hispanic or Latino
 - ✓ Not Hispanic or Latino
- **Race: Individuals can choose more than one race**
 - ✓ American Indian or Alaskan Native
 - ✓ Asian
 - ✓ Black or African American
 - ✓ Native Hawaiian or Other Pacific Islander
 - ✓ White

Resources for Racial and Ethnic Identity Data

United States Department of Commerce

United States Census Bureau

<http://quickfacts.census.gov/qfd/states/26000.htm>

!

Michigan Department of Technology, Management
and Budget

Census Statistics and Demographic Data

[http://michigan.gov/cgi/0,1607,7-158-54534---
,00.html](http://michigan.gov/cgi/0,1607,7-158-54534---,00.html)

Public Notification



- Prominently display the “And Justice for All” poster
- Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs
- Provide appropriate information in alternative formats for persons with disabilities



Public Notification

- Include the required nondiscrimination statement on all FNS and agency publications, web sites, posters and informational materials
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information

Effective Public Notification

- ▶ Outreach to underserved populations
- ▶ Use appropriate media – be creative
- ▶ Civil Rights Information
- ▶ Display non-discrimination poster
- ▶ Use other languages as needed and diverse graphics

Nondiscrimination Statement

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

USDA is an equal opportunity provider and employer.

Nondiscrimination statement

- It is **acceptable** to use the short version of the non-discrimination statement in certain cases, such as the menus. The statement should read:
- **“USDA is an equal opportunity provider and employer”**
- Please note that the print size cannot be smaller than the text in the document.
- In all other cases materials regarding school nutrition programs that are produced for public information, public education, or public distribution, (this includes websites), must include the complete nondiscrimination statement from the previous slide.

“And Justice for All”

The poster must be placed in a prominent area where participants and potential participants have ready access.



<http://www.fns.usda.gov/cr/and-justice-all-posters>



[About FNS](#) | [Ask the Expert](#) | [Contact Us](#) | [Other Languages](#) | [En Español](#)

[Search](#)

[Programs](#) | [Data](#) | [Newsroom](#) | [Research](#) | [Forms](#)

[Site Map](#) | [Advanced Search](#) | [Help](#) | [Search Tips](#) | [A to Z Map](#)



[Home](#) » [See Also](#)

See Also

- [And Justice for All Posters](#)
- [USDA Guidance for Filing Discrimination Complaints](#)
- [Diversity and Inclusion](#)
- [Learn about Alternative Dispute Resolution](#)
- [Laws, Regulations & Other Guidance](#)
- [Limited English Proficiency](#)
- [FNS Data Posted Pursuant to the No Fear Act](#)
- [Civil Rights Policies](#)
- [Frequently Asked Questions](#)
- [About the FNS Office of Civil Rights](#)
- [Links to Related Federal Programs](#)

And Justice for All Posters

[Print](#)



Downloadable PDF Files:

- [475A.pdf](#) (165 kb) - This poster can be used for Federally CONDUCTED programs. The language is all inclusive and should be displayed in FNS offices.
- [475B.pdf](#) (159kb) - This is the Supplemental Nutrition Assistance Program (SNAP) and Food Distribution Program on Indian Reservations (FDPIR) version and should be posted in SNAP and FDPIR offices.
- [475C.pdf](#) (159kb) - This is the Special Nutrition Programs version that should be used in offices, schools, and other sites that administer Special Nutrition Programs (including WIC).

- [P475A Poster Translations](#)
- [Obtaining Copies of Posters](#)
- [Problems Printing Posters?](#)

Limited English Proficiency

- Is there a need for services for Limited English Proficient (LEP) households?
- If so, what services does the SFA provide?
- ***document your SFA's information about their LEP services.***

Reference FNS Memo SP 42-2012

www.lep.gov for more information and resources

Language Assistance

- See www.lep.gov for more information and resources



Language Assistance

- ▶ Children should not be used as interpreters
- ▶ Volunteers may be used, but make sure they understand interpreter ethics – particularly confidentiality



<http://www.cdss.ca.gov/civilrights/PG584.htm>



Accommodating Students with Special Dietary Needs

How are students with special dietary needs accommodated?

Provide documentation

http://www.michigan.gov/mde/0,4615,7-140-43092_50144-194549--,00.html

Special Dietary Needs

The federal regulations state that "schools **shall make** substitutions in foods . . for students who are considered handicapped . . . and whose handicap restricts their diet. Schools **may** also make substitutions for non-handicapped students who are unable to consume the regular lunch (breakfast) because of medical or other special dietary needs."



Complaints Alleging Discrimination

Update the SFA procedure for receiving and processing complaints alleging discrimination within FNS School Meal Programs.

Prototype forms are available at www.michigan.gov/schoolnutrition under Guidance and Civil Rights

Civil Rights Complaint Procedure

1. Civil Rights Complaint Received by Sponsor
2. (Verbal or Written)
3. Civil Rights Complaint Documented in Civil Rights Complaint Log
4. Sponsor gives Complainant Civil Rights Complaint Form and/or Sponsor Completes Civil Rights Complaint Form with Complainant
5. Complainant Returns Civil Rights Complaint Form to Sponsor.
6. Sponsor Forwards Civil Rights Complaint Form to MDE within 5 Working Days
7. List address of (State Agency) MDE contact on the complaint form.

Resources for writing a Procedure for Complaints Alleging Discrimination

FNS Instruction 113-1 (Pages 30 – 35)

Include:

- Complainant alleges discrimination:
 - ✓ Complainant completes form
 - ✓ When the complaint is given verbally the recipient of the call transcribes complaint.
- Anonymous complaints are accepted
- All complaints alleging discrimination must be reported to the State Agency (MDE)
- MDE must process within 90 days

Quick Quiz

SFA's complaint procedures:

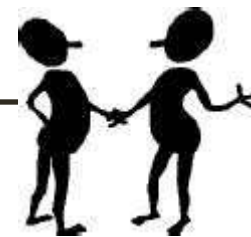
- The SFA has a student handbook which states that all complaints are handled by the principal. If the parent disagrees with the outcome, they may forward the complaint next to the assistant superintendent. The final decision will be made by the assistant superintendent.

- Compliant or Noncompliant???



Conflict Resolution

- ▶ Try to remain calm
- ▶ Try to explain situation
- ▶ Get help, especially with threats or violence
- ▶ Use alternative dispute resolution (ADR) techniques



Situation

A household member comes to orientation and wants to complete an application. They do not speak English. You cannot understand them and have no idea what language they are speaking. You write a note to give to someone saying that they need to return with an interpreter.

Is this proper or should something else be done?



Situation

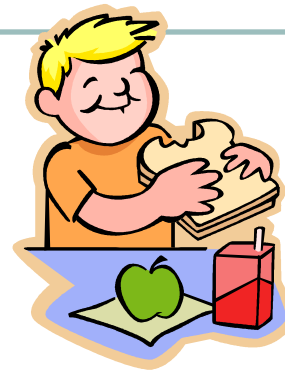
A complaint is received from a school that someone who came to conduct a review was rude and disrespectful. The complaint states that the reviewer's tone was demeaning and generally unpleasant.

Are there civil rights issues here and if so, what? Does it make a difference if the site and reviewer are different races, national origins or genders?

Situation



A school designates a “Polish Table” so that the children whose first language is Polish can sit together and feel comfortable. Should the SFA get an award for being innovative or be counseled for possible civil rights problems?



Situation

A parent of a child alleges program discrimination by a school site and wants to file a complaint. You don't think that the school site discriminates.
What should you do?

Situation



A food service director is very angry that someone filed a frivolous discrimination complaint and took up a lot of her time and made her look bad. She tells her co-workers to watch out for this “troublemaker.” The next time the person visits, he encounters “attitude” from the food service director and the lunch room monitors. What are the civil rights violations described here?

Situation

A local Hmong group wants only children whose parents are Hmong to enroll in an afterschool program and provide snacks. The group describes the admission policy as non-negotiable.

Since the Hmong are a minority group, may the school provide this group with afterschool snacks and exclude other students.

Situation

A parent complains about the choices provided during breakfast and demands that gluten-free products be provided for her child.

What must the provider do, and how does this relate to civil rights?



Situation

Representatives from an ethnic minority group contact you and insist a sponsor provides ethnic food choices. Is their complaint legitimate and why?



Technical Assistance/Resources

www.michigan.gov/schoolnutrition

MDE > MDE PROGRAMS > SCHOOL NUTRITION PROGRAMS

Civil Rights Guidance

- [Civil Rights Fact Sheet](#)
- [USDA FNS Civil Rights Instruction 113-1](#)
- [And Justice for All Poster](#)
- [How to Recognize a Civil Rights Complaint](#)
- [Civil Rights Complaint Overview](#)
- [School Food Authority Civil Rights Complaint Log](#)

Questions?

School Nutrition Programs

- 517-373-3347
- MDE-schoolnutrition@michigan.gov

